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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 JGX, INC., a California corporation;
12 NICK BOVIS; BOVIS FOODS, LLC; and
SMTM TECHNOLOGY, LLC, a limited
liability company,

13 Plaintiffs,

14 vs.

15 JON HANDLERY;
16 HANDLERY HOTELS, a California
corporation; SAM SINGER;
17 and SINGER ASSOCIATES, INC.,

18 Defendants.

19 HANDLERY HOTELS, INC., a
California corporation,

20 Counterclaimant,

21 vs.

22 JGX, Inc., a California corporation; and
23 SMTM TECHNOLOGY, LLC, a limited
liability company,

24 Counter-Defendants.

Case No. 5:17-cv-00287-BLF

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION FOR
ADMINISTRATIVE RELIEF TO
ADVANCE THE HEARING DATE ON
DEFENDANTS' MOTION TO EXCLUDE
PLAINTIFFS' UNTIMELY ADDITIONS TO
THEIR RULE 26 DISCLOSURES OR IN
THE ALTERNATIVE TO REOPEN
DISCOVERY AND FOR SANCTIONS**

LOCAL RULE 7-11 MOTION

Judge: Hon. Beth Labson Freeman

1 Plaintiffs respectfully submit this short response to Defendants' Motion for
2 Administrative Relief. Plaintiffs do not oppose moving up the hearing date. However, the
3 statement "the parties cannot stop" the progress of the case omits that Plaintiffs offered to
4 facilitate the immediate deposition of these witnesses and Defendants did not respond. It is also
5 untrue that Defendants do not have time to take additional discovery on Plaintiffs' damages
6 theories if needed, as the amended disclosures were served six months before trial and expert
7 disclosures and discovery have still not taken place, including expert discovery related to
8 damages.

9 Respectfully submitted,

10 Dated: October 30, 2019

COTCHETT, PITRE & McCARTHY, LLP

11 By: /s/ Tyson Redenbarger

12 **TYSON REDENBARGER**

13 *Attorneys for Plaintiffs*